

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:08CV390-1-MU

RICARDO DARNELL JONES,

Plaintiff,

v.

BUNCOMBE COUNTY SHERIFF

DEP'T, et al.,

Defendants.

**ORDER**

**THIS MATTER** comes before the Court upon Plaintiff's Motion to Compel (Doc. No. 11), filed September 8, 2008; Plaintiff's Motion to Compel (Doc. No. 15), filed September 24, 2008; and Plaintiff's Motion for Grievance Response (Doc. No. 16), filed September 24, 2008.

On August 19, 2008, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983 alleging that on September 2, 2007, Defendant Curry Ray, a correctional officer at the Buncombe County Detention Center, assaulted him by repeatedly slamming his face against a wall. Plaintiff alleges that Defendant Ray then continued to beat him after he was placed in a segregated cell. Plaintiff contends that as a result of this alleged excessive force he suffers from "head, back and neck pain." Plaintiff also named two internal affairs investigators, Van Duncan and Salyer, and the Buncombe County Sheriff's Department as defendants.

For the reasons set forth in a September 3, 2008, Order, this Court dismissed Van Duncan, Salyer, and the Buncombe County Sheriff's Department from this case and ordered Defendant Ray to respond to Plaintiff's allegations. In addition, this Court denied Plaintiff's Motion for

Appointment of Counsel<sup>1</sup> and Plaintiff's Motion for In Camera Review. I

Plaintiff has now filed two motions to compel and a motion for grievance response requesting various documents relating to the investigation of the incident in question and relating to any grievance procedure used by Plaintiff with regard to the incident in question. At this time, these requests are premature and will be denied.

**IT IS THEREFORE ORDERED THAT:**

1. Plaintiff's Motion to Compel (Doc. No. 11) is **DENIED**;
2. Plaintiff's Motion to Compel (Doc. No. 15) is **DENIED**; and
3. Plaintiff's Motion for Grievance Response (Doc. No. 16) is **DENIED**.

Signed: October 1, 2008



Graham C. Mullen  
United States District Judge



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<sup>1</sup> On September 8, 2008, Plaintiff appealed the denial of his Motion for Appointment of Counsel . (08-8024)